

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

JOEL MARTIN, on his own behalf, and as)
Next Friend for C.M., a minor,)
))
 Plaintiff,))
))
 vs.) Case No. 4:17-cv-00073-FJG)
))
NORTH KANSAS CITY SCHOOL)
DISTRICT, et al.,)
))
 Defendants.)

**DEFENDANTS' UNOPPOSED MOTION TO TAKE DEPOSITION OF
PLAINTIFFS' EXPERT WITNESS JANICE DAVIS**

COME NOW Defendants North Kansas City School District ("District"), Deborah Delsemme, Daniel Clemens, Paul Fregeau, Steven St. Louis, and P.J. McGinnis (collectively hereinafter "District Defendants"), by and through the undersigned counsel, and respectfully request that the Court grant the District Defendants permission to take the deposition of Plaintiffs' expert, Janice Davis.

1. Plaintiffs identified Ms. Janice Davis as an expert witness on March 23, 2018. Plaintiffs also provided a copy of Ms. Davis' report on the same date.
2. Mr. Davis' expert opinions are based on her review of select depositions and associated exhibits.
3. Ms. Davis' opinions appear to be based entirely on her experience as a teacher and administrator. Ms. Davis' report identifies her positions and/or titles (teacher, assistant principal and principal), as well as her educational degrees. However, her report does not include any description or explanation of her duties and/or responsibilities in her former

and current position. Her report does not identify any training she has received, nor does it include when she received her degrees.

4. A deposition of Ms. Davis is necessary to explore her qualifications to provide the expert testimony outlined in her report.
5. A deposition is also necessary to explore the “scientific, technical, or other specialized knowledge” upon which Ms. Davis utilized when forming her opinions. Her report merely states that her opinions are based on her “extensive training and experience in education.” However, her expert report is void of any explanation or description of her “extensive training or experience.”
6. Throughout her report, Ms. Davis opines, on more than one occasion, that “the failure of the District and its employees to follow [] policy is unreasonable and demonstrates conscious and flagrant disregard and indifference for female students, including [the minor Plaintiff.]” Additionally, Ms. Davis opines, on more than one occasion, on what specific District administrators “knew” by making factual inferences or assumptions about certain situations. However, the report is void of any explanation regarding the basis upon which Ms. Davis’ reached her opinion. The opinions are not scientific and/or technical, and the report is void of any content to explore what “specialized knowledge” Ms. Davis’ allegedly possessed and/or how she utilized such “specialized knowledge” in reaching her opinions. Absent discovery regarding the scope of Ms. Davis’ experience and/or training, Defendants respectfully submit that they are unfairly prejudiced in challenging Ms. Davis’ opinions, either through a Daubert Motion and/or during trial.

7. The deposition is necessary to explore factual and legal support for Defendants' expected Daubert Motion, currently due on June 1, 2018, regarding Ms. Davis' report and testimony.
8. Counsel for Plaintiffs have been consulted, and do not object to the deposition of Ms. Janice Davis.

WHEREFORE, for the foregoing reasons, Defendants North Kansas City School District, Deborah Delsemme, Daniel Clemens, Paul Fregeau, Steven St. Louis, and P.J. McGinnis request the Court grant this Unopposed Motion to Take Plaintiffs' Expert Witness Janice Davis' Deposition and further relief as the Court deems just and proper.

Respectfully submitted,

GUIN MUNDORF, LLC

By: /s/ Jessica M. Bernard

Jessica M. Bernard MO #58980

jbernard@gmschoollaw.com

Kathryn T. Alsobrook MO #66451

kalsobrook@gmschoollaw.com

Ryan T. Fry MO #52143

r fry@gmschoollaw.com

4520 Main Street, Suite 520

Kansas City, MO 64111

(816) 333-1700

(816) 886-3860 (facsimile)

ATTORNEYS FOR DEFENDANTS NORTH
KANSAS CITY SCHOOL DISTRICT, DEBORAH
DELSEMME, DANIEL CLEMENS, PAUL
FREGEAU, STEVEN ST. LOUIS, AND P.J.
MCGINNIS

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of April, 2018, the foregoing document was filed using the Court's Electronic Filing System, which provided electronic copies to the following:

Brian J. Madden
Wagstaff & Cartmell
4740 Grand Avenue, Suite 300
Kansas City, MO 64108
816-701-1100
bmadden@wcllp.com

ATTORNEY FOR PLAINTIFF

Douglas Wemhoff
Wemhoff Law Firm
409 NE Shady Lane
Kansas City, MO 64108
816-453-8855
wemhofflaw@gmail.com

ATTORNEY FOR PLAINTIFF

David S. Bell
Wyrsch Hobbs Mirakian, P.C.
One Kansas City Place
1200 Main Street, Suite 2110
Kansas City, MO 64105
dbell@whmlaw.net
(816) 437-8199 (DD)
(816) 522-5432 (Cell)
(816) 221-3280 (Facsimile)
MO Bar No. 49013
ATTORNEY FOR DEFENDANT
SAMUEL WALTEMATH

/s/ Jessica M. Bernard
ATTORNEY FOR DEFENDANTS NORTH
KANSAS CITY SCHOOL DISTRICT, DEBORAH
DELSEMME, DANIEL CLEMENS, PAUL
FREGEAU, STEVEN ST. LOUIS, AND P.J.
MCGINNIS